

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MARY JANE GLOWCZENSKI AND JEAN
GRIFFIN, Individually and as
Co-Administratrix of the Estate
Of DAVID GLOWCZENSKI,

No. 04-Cv.4052 (SJF)(WDW)
ECF Case

Plaintiffs,

AFFIDAVIT

-against-

VILLAGE OF SOUTHAMPTON, SOUTHAMPTON VILLAGE
POLICE DEPARTMENT, POLICE OFFICER Brian Platt, in his
individual and official capacity, POLICE OFFICER Marla Donovan, in
her individual and official capacity POLICE OFFICER Chris Wetter, in
his individual and official capacity, POLICE OFFICER Arthur Schücht,
in his individual and official capacity, COUNTY OF SUFFOLK,
SUFFOLK COUNTY POLICE DEPARTMENT, LIEUTENANT Jack
Fitzpatrick, in his individual and official capacity, LIEUTENANT
Howard Lewis, in his individual and official capacity and John Doe 1-10,
who are known by name to the Defendants but as of yet are not fully
known to the Plaintiffs, OFFICE OF THE SUFFOLK COUNTY
MEDICAL EXAMINER, James C. Wilson, M.D., Deputy Medical
Examiner, in his individual and official capacity, SOUTHAMPTON
VILLAGE VOLUNTEER AMBULANCE (a.k.a SOUTHAMPTON
E.M.T. UNIT), Melissa Croke, EMT, in her individual and Official
capacity, Keith Philips, EMT, in his individual and official capacity,
Keith Philips, EMT, in his individual and official capacity, Tim
Campbell, EMT, in his individual and official capacity, and James
Moore Ambulance Driver, in his individual and official capacity,
TASER INTERNATIONAL, INC.,

Defendants.

-----X
STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

FRANCES DAPICE MARINELLI, being duly sworn, deposes and says:

I am a member of the law firm of JOSEPH A. MARIA, P.C., the attorney for defendant
TASER International Incorporated in the above captioned action and duly admitted to the United
States District Court, Eastern District of New York on December 22, 1983.

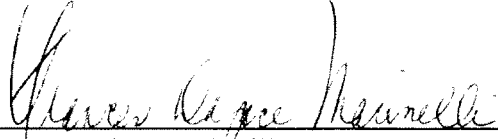
Annexed hereto are true and accurate copies of the following exhibits:

- Exhibit "A" - Complaint;
- Exhibit "B" - Answer to Complaint;
- Exhibit "C" - Pre-Hospital Care Report of Southampton Village Voluntary Ambulance;
- Exhibit "D" - Southampton Hospital Records.
- Exhibit "E" - Autopsy Reports;
- Exhibit "F" - Deposition Transcript of Patrick Smith dated July 8, 2008;
- Exhibit "G" - Deposition Transcript of Rick Guilbault dated May 12, 2008;
- Exhibit "H" - Deposition Transcript of Robert Allen Stratbucker, M.D., dated May 14, 2008;
- Exhibit "I" - Deposition Transcript of Magne Nerheim dated May 13, 2008;
- Exhibit "J" - Rule 26 Initial Disclosure of Defendant dated February 20, 2007;
- Exhibit "K" - Continued Rule 26 Disclosure of Defendant dated April 14, 2009;
- Exhibit "L" - Deposition Transcript of Police Officer Marla Donovan dated January 28, 2009;
- Exhibit "M" - Deposition Transcript of Police Officer Brian Platt dated February 10, 2009;
- Exhibit "N" - Deposition Transcript of Lieutenant Howard Lewis dated January 28, 2009;

- Exhibit "O" - Deposition Transcript of Arthur Schucht dated January 29, 2009;
- Exhibit "P" - Deposition Transcript of Keith Philips dated January 21, 2009;
- Exhibit "Q" - Deposition Transcript of Thomas Campbell dated January 21, 2009;
- Exhibit "R" - Report of Deborah C. Mash, Ph.D. dated March 16, 2009, with CV;
- Exhibit "S" - Report of Michael Graham, M.D., dated March 25, 2009 with CV;
- Exhibit "T" - Report of Plaintiff's Expert, David S. Rosenbaum, M.D. dated April 16, 2009;
- Exhibit "U" - Supplemental Report of County of Suffolk dated January 14, 2005 regarding TASER results;
- Exhibit "V" - Deposition Transcript of Non-Party Witness Julie Bradshaw dated April 2, 2008;
- Exhibit "W" - Pilgrim State Psychiatric (King's Park) records;
- Exhibit "X" - Social Security Administration records;
- Exhibit "Y" - Southampton Village Police Reports dated January 19, 1994, June 30, 1994 and August 26, 1995; Southampton Police Crime Report;
- Exhibit "Z" - INTENTIONALLY NOT USED
- Exhibit "AA" - Misdemeanor Information of plaintiff, Village of Southampton, dated August 26, 1995

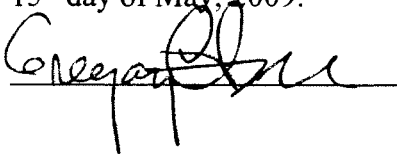
- Exhibit "BB" - Violation Complaint and Withdrawal of Theodore Glowczenski;
- Exhibit "CC" - Incident Report dated September 29, 1995;
- Exhibit "DD" - Letter from Dr. Nicholas Pott dated October 24, 1995;
- Exhibit "EE" - Incident Report dated April 20, 2000;
- Exhibit "FF" - Incident Report dated August 9, 2000;
- Exhibit "GG" - Incident Report dated June 13, 2002;
- Exhibit "HH" - Incident Report dated January 30, 2003; Certificate of Conviction dated February 24, 2003 with Order;
- Exhibit "II" - Suffolk County Police Department Death Report dated February 6, 2004;
- Exhibit "JJ" - Suffolk County Police Department Supplementary Report dated February 21, 2004 and witness statements: Patricia Pape(2/4/04), Carolyn Cirigliano (2/4/04), Julie Cosgrove (2/4/04), Sandra Martinelli (2/4/04) Michael Maryon (2/4/04) and Patricia Carlson (2/6/04); cause of death letter dated 11/05/04 statements;
- Exhibit "KK" - Deposition of Southampton Village Police Officer Christopher Wetter dated January 28, 2009;
- Exhibit "LL" - Supplemental Report of Southampton Village Police Officer Christopher Wetter;
- Exhibit "MM" - Village of Southampton Police Department Internal Correspondence to Lieutenant H. Lewis from Sgt. A. Schucht dated February 4, 2004 and February 5, 2004 together with Department Order;

- Exhibit "NN" - Personnel File Report of Brian Platt;
- Exhibit "OO" - TASER Certification of Brian Platt;
- Exhibit "PP" - Deposition Transcript of Mary Jane Glowczenski dated March 3, 2008;
- Exhibit "QQ" - Excerpts of Deposition Transcript of Jean Griffin dated March 4, 2008;
- Exhibit "RR" - Deposition Transcript of Teddy Glowczenski dated March 3, 2008;
- Exhibit "SS" - Southampton Village Police Department 911 Records and Transcript of 911 Calls;
- Exhibit "TT" - Records of Robert Golden, Medical-Forensic Investigation Unit of Suffolk County Medical Examiner's Office;
- Exhibit "UU" - Dr. Satish records;
- Exhibit "VV" - Deposition Transcript of James C. Wilson, M.D., dated January 26, 2009;



Frances Dapice Marinelli (FM2152)

Sworn to before me this
15th day of May, 2009.



Gregory C. Freeman

GREGORY C. FREEMAN
NOTARY PUBLIC OF THE STATE OF NEW YORK
QUALIFIED IN WESTCHESTER COUNTY
NO. 01FR6080775
COMMISSION EXPIRES: OCTOBER 28, 2010

I, the undersigned, am an attorney, admitted to practice in the courts of New York, and



certify that the annexed

Attorney's has been compared by me with the original and found to be a true and complete copy thereof.

Certification

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for



Attorney's
Verification
by

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following.

Affirmation

I affirm that the foregoing statements are true under penalties of perjury.

Dated:

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am



Individual
Verification

in the action herein; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.



Corporate
Verification
by

a corporation, one of the parties to the action; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Affirmation

My belief, as those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on

, 2009

(Print signer's name below signature)

Notary Public

STATE OF NEW YORK, COUNTY OF WESTCHESTER ss:

Doreen C. Johns being sworn says: I am not a party to the action, am over 18 years of age and reside at Bronx, NY.

On May 15, 2009 I served a true copy of the annexed **Affidavit in Support of Rule 56 Motion for Summary Judgment**

X
Service
By Mail

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal within the state of New York, addressed to the last-known address of the addressee(s) as indicated below:

☐
Personal
Service

by delivering the same personally to the person at the address indicated below:

☐
Service by
Electronic
Means

by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

☐
Overnight
Delivery
Service

by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery. The address and delivery service are indicated below:

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50 Clinton Street, Suite 501
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Lewis R. Silverman
Rutherford & Christie, LLP
369 Lexington Avenue, 8th Floor
New York, New York 10017-5947

Sworn to before me on May 15, 2009.

Notary Public

Doreen C. Johns

GREGORY C. FREEMAN
NOTARY PUBLIC OF THE STATE OF NEW YORK
QUALIFIED IN WESTCHESTER COUNTY
NO. 01FR6080775
COMMISSION EXPIRES: OCTOBER 28, 2010

